

LEGISLATIVE COMMITTEE MINUTES

SB218

Bill as Introduced

SB 218-FN - AS INTRODUCED

2017 SESSION

17-0941
01/05

SENATE BILL **218-FN**

AN ACT relative to public assistance for certain persons.

SPONSORS: Sen. Watters, Dist 4; Sen. Hennessey, Dist 5; Sen. Soucy, Dist 18; Sen. Fuller
Clark, Dist 21; Rep. J. MacKay, Merr. 14; Rep. Weber, Ches. 1; Rep. McMahon,
Rock. 7

COMMITTEE: Finance

ANALYSIS

This bill clarifies the definition regarding public assistance for persons with a disability who are eligible to participate in the work incentive program.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to public assistance for certain persons.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Public Assistance to the Disabled; Definitions. Amend RSA 167:6, IX to read as follows:

2 IX. For purposes hereof, a person with a disability between 18 and ~~64~~⁶⁵ years of age ~~or a~~
3 ~~person who is 65 years of age whose full retirement is 66~~ who is ~~are~~ eligible to participate in
4 the work incentive program, known as Medicaid for employed adults with disabilities (MEAD), shall
5 be eligible for medical assistance as medically needy or categorically needy. The department of
6 health and human services shall establish a sliding fee scale for participants to contribute to the
7 cost of such medical assistance. Participants in the MEAD program shall be employed at the time of
8 enrollment, and may remain enrolled during temporary unemployment for medical reasons or other
9 good cause.

10 2 Effective Date. This act shall take effect 60 days after its passage.

*delete
new
language*

**SB 218-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to public assistance for certain persons.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill expands the eligibility to participate in the work incentive program, known as Medicaid for employed adults with disabilities, to individuals age 65 whose full retirement is 66. The Department of Health and Human Services states it does not know how many individuals with a full retirement age of 66 would apply for the program in FY 2018 and therefore cannot provide estimates. However, in FY 2016, 35 individuals who were eligible for the program became ineligible due to turning 65. Of these 35 individuals, 29 were either eligible for Old Age Assistance or eligible with a deductible and one case was pending a decision. Five were denied assistance due to being over income for the program. The Department states there would be one-time costs associated with system changes as well as staff and resources toward amending and submitting the state plan to receive the federal match funds. The Department notes it is unlikely the proposed legislation would be eligible for the 50 percent federal match thereby requiring Medicaid services for program participants age 65 and over to be paid with 100 percent general funds.

AGENCIES CONTACTED:

Department of Health and Human Services

Committee Minutes

ATTENDANCE

SENATE CALENDAR NOTICE

Finance

- Sen Gary Daniels, Chair
- Sen John Reagan, Vice Chair
- Sen Bob Giuda, Member
- Sen Chuck Morse, Member
- Sen Lou D'Allesandro, Member
- Sen Dan Feltes, Member

START: 2:59 pm

STOP: 3:16 pm

17

Date: February 1, 2017

HEARINGS

Tuesday

02/07/2017

(Day)

(Date)

Finance

SH 103

1:00 p.m.

(Name of Committee)

(Place)

(Time)

- | | | |
|----------------------|-----------------------------|--|
| 1:00 p.m. | SB 196-FN-A | relative to liquor revenues deposited into the alcohol abuse prevention and treatment fund. |
| 1:15 p.m. | SB 197-FN-A | making an appropriation to the department of justice to enforce election and lobbying laws. |
| 1:30 p.m. | SB 216-FN | relative to differential pay for state troopers and relative to crowd control by marine patrol officers. |
| 1:45 p.m. | SB 218-FN | relative to public assistance for certain persons. |
| 2:00 p.m. | SB 219-FN-A | relative to a one-time allowance for certain state retirees. |

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 196-FN-A

Sen. Kahn
Rep. Shepardson

Sen. Feltes
Rep. Horrigan

Sen. Fuller Clark
Rep. Read

Rep. Lisle
Rep. Abbott

SB 197-FN-A

Sen. Feltes
Sen. Hennessey
Sen. Watters
Rep. Oxenham

SB 216-FN

Sen. D'Allesandro

SB 218-FN

Sen. Watters
Rep. J. MacKay

SB 219-FN-A

Sen. Carson
Rep. M. McCarthy

Sen. Carson
Sen. Lasky
Sen. Woodburn

Sen. Hennessey
Rep. Weber

Sen. Bradley
Rep. Sterling

Sen. Fuller Clark
Sen. McGilvray
Rep. Burton

Sen. Soucy
Rep. McMahon

Sen. Soucy
Rep. Dowling

Sen. Gray
Sen. Soucy
Rep. Luneau

Sen. Fuller Clark

Rep. Danielson
Rep. McKinney

Deb Martone 271-4980

Gary L. Daniels
Chairman

Senate Finance Committee

Deb Martone 271-4980

SB 218-FN, relative to public assistance for certain persons.

Hearing Date: February 7, 2017

Time Opened: 2:59 p.m.

Time Closed: 3:16 p.m.

Members of the Committee Present: Senators Reagan, Giuda, Morse, D'Allesandro and Feltes

Members of the Committee Absent: Senator Daniels

Bill Analysis: This bill clarifies the definition regarding public assistance for persons with a disability who are eligible to participate in the work incentive program.

Sponsors:

Sen. Watters

Sen. Hennessey

Sen. Soucy

Sen. Fuller Clark

Rep. J. MacKay

Rep. Weber

Rep. McMahon

Who supports the bill: Senators Soucy and Fuller Clark; Ryan McDermott.

Who is neutral on the bill: Molly Lynch

Summary of testimony presented in support:

Senator Watters, Prime Sponsor:

- The federal statute for the Medicaid for Employed Adults with Disabilities Program ("MEAD") ends for individuals when they turn 65 years of age, which was the previous full retirement age. That criteria has increased to 66 years of age. Individuals who want to continue working under this program can no longer do so.
- The MEAD Program has generous, enhanced income limits for someone who is under state statute and meets the criteria for disability or for blindness, is able to work, and have a bit higher income than would otherwise qualify them for Medicaid insurance.
- If they make a certain amount of income beyond those limits, there is a monthly premium cost of \$110 for this program.
- Some individuals are aging out of this type of coverage, as indicated in the Fiscal Note of SB 218-FN, and may want to continue to work but cannot.
- Senator Watters has discussed this with the Department of Health and Human Services, in an attempt to develop an estimate of what it would actually cost to do this, but the Department is experiencing difficulties developing an estimate.

- It appears a federal statute change would be required. As that has not occurred, the retirement age has increased and some individuals are caught in the middle.
- The issue for us is if we don't have the federal change, we do not receive the 50 percent support from the federal government, and would have to bear the cost ourselves.
 - Senator Reagan asked if it would be the same if the language in Line 2 of the bill were changed to read, "...with a disability between 18 and 65 years of age..." That would seem to fit the criteria. Senator Watters noted the current law is "18" and "64". If you are full retirement at 66, you are no longer covered under this program. You have to stop working.
 - Senator Feltes asked if Senator Watters would be amenable to changing "64" on Line 2 to 65.
 - Senator Watters reminded committee members this will incur some additional state cost for the small number of individuals who want to continue to work under this program.
 - As indicated in the Fiscal Note, 35 individuals will turn this age and many of them will be covered by other things and stop working. There are some who might like to work for one more year.
 - Senator Reagan sought clarification that the premium cost was \$110 per month. Senator Watters indicated if an individual makes over \$2,799 monthly gross income, the \$110 per month premium kicks in. Senator Reagan added the worst case scenario then would be 35 individuals multiplied by \$110 per month. Senator Feltes pointed out the Fiscal Note states, "Of these 35 individuals, 29 were either eligible for Old Age Assistance..." which is a different bucket, "...or eligible with a deductible and one case was pending a decision." That ultimately means 6 people. Senator Watters agreed it was a small number, and that he was amenable to the suggested language changes to the bill.

Neutral Information Presented:

Molly Lynch, Legislative Liason, Office of Medicaid Services, New Hampshire Department of Health and Human Services:

- The Department has strong concerns with SB 218-FN. Currently, the bill as written doesn't comply with the DHHS State Plan, which uses 65 years of age as the criteria. Senator Feltes inquired if the bill passed, wouldn't the Department merely revise the State Plan. Ms. Lynch indicated if the State Plan were amended, it is the Department's belief it would not gain approval from the Centers for Medicaid Services ("CMS"), and that is because it conflicts with the federal statute. This would lead to the loss of the federal match. As Senator Watters alluded to, the Department is finding it difficult to estimate the cost of this legislation because it is dependent upon the medical needs of these individuals. They could need waiver services, which tends to be more expensive. There would also be costs associated with changing the State Plan and the rules, as well as changes to the eligibility system.
- Senator Feltes wondered if the State Plan were located on the Department's website, and available to the public. Ms. Lynch believes it is not.

- Senator D'Allesandro wondered if the bill was passed and was not consistent with the State Plan, what risk are we running by doing that. Ms. Lynch indicated it would be the loss of federal funds. Senator D'Allesandro stressed committee members should know what the ramifications are before any action is taken on the bill. We wouldn't want to take any action that may cause harm. Ms. Lynch reiterated the Department's perspective that CMS would not approve the change. The MEAD eligibility group is optional; the states may do it. The federal criteria is under the age of 65. Senator D'Allesandro added the only risk we take would be the State's incurrence of payment with General Funds.
- Senator Reagan requested Ms. Lynch research any ramifications of the bill and report back to committee members. Ms. Lynch once again stated she believed we would be risking the federal match. Senator D'Allesandro requested a response in writing from the Department.
- Senator Feltes wondered if the Department would be risking the federal match merely due to this one suggested change. Ms. Lynch indicated it would risk the federal match due to these individuals in particular. Senator Feltes explained if the committee passes the bill, CMS says no, the state then absorbs the remaining cost. He asked if we'd be risking any other Medicaid money. Ms. Lynch indicated no, that was not her understanding.
- Senator D'Allesandro stressed we aren't modifying the State Plan. We would merely change the language of the existing state statute. Ms. Lynch stated if SB 218-FN passed, DHHS would have to revise the State Plan. The state can't administer the program and not be in compliance with the State Plan. Senator D'Allesandro wondered if the State Plan was changed, would it have a negative effect on others.
- Senator Giuda pointed out the Fiscal Note states, "The Department notes it is unlikely the proposed legislation would be eligible for the 50 percent federal match thereby requiring Medicaid services for program participants age 65 and over to be paid with 100 percent General Funds."
- Senator Feltes asked if the Department would be willing to post the State Plan online to enable the public to view it. Ms. Lynch agreed to follow up on the Senator's inquiry.

Future Action: Pending

dm

Date Hearing Report completed: February 8, 2017

Speakers

Testimony

SB 218-FN

DHS State
PLAN -
MOLLY
LYNCH

DRAFT - DRAFT - DRAFT - DRAFT - DRAFT

Revision:

ATTACHMENT 2.2-A
Page 23d
OMB NO:

State/Territory: New Hampshire

Citation

Groups Covered

A. Optional Groups Other Than the Medically Needy
(Continued)

1902(a)(10)(A)
(ii)(XIII) of the Act

- 23. BBA Work Incentive Eligibility Group - Individuals with a disability whose net family income is below 250 percent of the Federal poverty level for a family of the size involved and who, except for earned income, meet all criteria for receiving benefits under the SSI program. See page 12c of Attachment 2.6-A.

1902(a)(10)(A)
(ii)(XV) of the Act

- 24. TWWIA Basic Coverage Group - Individuals with a disability at least 16 but less than 65 years of age whose income and resources do not exceed a standard established by the State. See page 12d of Attachment 2.6-A.

1902(a)(10)(A)
(ii)(XVI) of the Act

- 25. TWWIA Medical Improvement Group - Employed individuals at least 16 but less than 65 years of age with a medically improved disability whose income and resources do not exceed a standard established by the State. See page 12h of Attachment 2.6-A.

NOTE: If the State elects to cover this group, it MUST also cover the Basic Coverage Group described in no. 24 above.

TN No: 02-002
Supersedes
TN#

Approval Date: 05/16/02

Effective Date: 02/01/2002
HCFA ID:

Watters, David

From: Jeff Dickinson [jdickinson@gsil.org]
Sent: Tuesday, February 07, 2017 3:26 PM
To: Watters, David
Cc: Jeff Dickinson
Subject: SB218 - MEAD

Hi Senator Watters,

I had hoped to make it to Concord for today's hearing for SB218 regarding the age limit for the MEAD program. Unfortunately however, the weather today prevented me from getting there. I am, GSIL is, still very interested in this bill. MEAD is a great program that really makes it possible for people like myself with disabilities to earn a living and be independent. Your idea of raising (or maybe even eliminating) the age limit for the program is timely given that some folks who wanted to continue on MEAD have already aged out of the program, and now there are more folks who will age out in the next few years.

MEAD is designed to be a work incentive to make it easier for folks with disabilities who need Medicaid coverage to go to work to earn a living and put away some savings to cover future expenses and support themselves if they become unable to work at all. Given that you are looking at improving MEAD, there are two additional steps that would bolster the effectiveness of the program and ensure it meets the spirit of its enabling legislation.

- 1) Reinforce that funds saved in a retirement account while someone is on MEAD will be excluded from calculating financial eligibility for Medicaid should that person need to move from MEAD to another Medicaid eligibility category.
- 2) Reinforce that funds saved from earnings in a MEAD earned income account will also be excluded from calculating financial eligibility for Medicaid should that person need to move from MEAD to another Medicaid eligibility category.

Those two things were and are two key incentives to work for many on the MEAD program. Saving for the future is after all one of the key reasons we all work. We have heard anecdotally that DHHS is not consistently following the above two points.

For those of us with mobility difficulties inclement weather is particularly tricky. I presume that I likely wasn't the only interested MEAD participant who didn't make it to today's hearing. Would you please consider a continued hearing on SB218 on a future date? I just want to make sure you have heard from all those interested before the committee makes a decision on the bill.

Please let me know your thoughts.

Thank you.

Jeff

Jeff Dickinson
Advocacy Director

E-mail is the best way to reach me: jdickinson@gsil.org

Granite State Independent Living (GSIL)
Tools for Living Life Independently

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, February 15, 2017

THE COMMITTEE ON Finance

to which was referred **SB 218-FN**

AN ACT relative to public assistance for certain persons.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-0

Senator Lou D'Allesandro
For the Committee

Deb Martone 271-4980

New Hampshire General Court - Bill Status System

Docket of SB218

Docket Abbreviations

Bill Title: relative to public assistance for certain persons.*Official Docket of SB218:*

Date	Body	Description
1/31/2017	S	Introduced 01/19/2017 and Referred to Finance; SJ 5
2/2/2017	S	Hearing: 02/07/2017, Room 103, SH, 01:45 pm; SC 9
2/15/2017	S	Committee Report: Inexpedient to Legislate, 02/23/2017; SC 11
2/23/2017	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 02/23/2017; SJ 7

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB218-FN ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
____ FINAL VERSION ____ AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK

06/23/17

By:

Debra A. Mantore
COMMITTEE AIDE